THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 21566 OF 1997

Dated: 12.02.2007

Between:
Shaik Latif Saheb.

..... Petitioner

Vs.

The Divisional Manager, APSRTC, Ongole, Prakasam District.

.....Respondent.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21566 of 1997

ORDER:

Proceedings of the respondent, dated 17.12.1996, is impugned in this writ petition. In the said proceedings, the Regional Manager, Prakasam Region, Ongole, observed that pursuant to the judgment of this Court in W.P.No.17390 of 1993 dated 09.08.1996, the petitioner, who claimed absorption, was called upon to appear for an interview before the Departmental Selection Committee on 21.11.1996 and that, after interviewing him, the Selection Committee had observed that in accordance with the Circular No.PD-139/87 dated

29.12.1987, one post of Hammerman had been earmarked, for displaced person to be absorbed into the services of the APSRTC, and in the said post, another person had already been absorbed. The Departmental Selection Committee also noted that the petitioner did not possess the requisite qualification of 5 years service as he had put in only 4 years of service. Inasmuch as the quota prescribed for the post of Hammerman had already been filled up, and as there was no vacancy for absorption, the petitioner's claim for absorption was rejected.

Sri Surendra Desai, learned counsel for the petitioner, places reliance on the certificate issued by one Shivaji to contend that petitioner worked in the private bus for the last 10 years. He also relied on the certificate issued by the Labour Officer on 28.09.1988 in this regard. It is necessary to note that, in the said certificate, the Labour Officer, after taking note of the application made by the petitioner and others that they had worked in the private bus for a period of 10 years prior to nationalization, had observed that the matter was enquired into and it was found that the petitioner was a genuine employee of the private bus.

The said certificate of the Labour Officer does not indicate that he himself had enquired into and found that the petitioner had put in 10 years of service prior to nationalization. Reliance placed on the said certificate is of no assistance to the petitioner. Learned counsel for the petitioner also relies on the order of this Court dated 19.06.1996, wherein reliance was also placed on the certificate issued by the Labour Officer to show that the petitioner therein had put in 5 years of service as Cleaner. As noted above, in the certificate, enclosed as part of the material papers, no finding was recorded by the Labour Officer himself that the petitioner had put in 10 years of service in the private bus prior to nationalization. The impugned order of the Regional Manager cannot, therefore, be faulted.

The Writ Petition fails and is accordingly dismissed. It is made clear that this order shall not preclude the petitioner from availing such of the remedies as are available to him in law to establish that he has put in the required service, that he is entitled to be considered for appointment to the post of Hammerman and that such a post in the APSRTC is vacant. No costs.

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RAMESH RANGANATHAN, J

Dated: 12.02.2007

sj